



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, बुधवार, 13 दिसम्बर, 2006 / 22 अग्रहायण, 1928

हिमाचल प्रदेश सरकार

TRANSPORT DEPARTMENT

NOTIFICATION

Shimla-2, the 8th December, 2006

No. Tpt-F(6)3/2003.—In pursuance to Orders passed by the Hon'ble High Court of Himachal Pradesh in CWP No. 515 of 2006, titled as Smt. Trisha Sharma Vs. State of Himachal Pradesh and another dated 13-10-2006, the Governor, Himachal Pradesh in pursuance to the

provisions of rule 109 of the Himachal Pradesh Motor Vehicles Rules, 1999 is pleased to notify the Himachal Pradesh Meter Taxi Scheme, 2006 (as annexed) in the public interest :

HIMACHAL PRADESH METER TAXI SCHEME, 2006

1. *Short title and commencement.*—(i) This scheme shall be called the Himachal Pradesh Meter Taxi Scheme, 2006.

(ii) It shall come into effect from such date and in such areas/ town and within such radius of that area/ town as may be notified by the State Government from time to time.

2. *Definitions.*—In this scheme unless the context otherwise requires,—

- (a) "Commissioner" means the Director of Transport, Himachal Pradesh and includes any other Officers appointed by notification in the official gazette, in this behalf by the State Government;
- (b) "Owner" means the owner of a motor cabs/maxi cabs in respect of which a permit has been granted or countersigned under the provisions of Motor Vehicles Act, 1988;
- (c) "registered owner" means the person in whose name a motor vehicle is registered under the Motor Vehicles Act, 1988*(59 of 1988) ;
- (d) "State Government" means the Government of Himachal Pradesh;
- (e) "Fare" includes sum payable in respect of the hire of a contract as notified by the State Government under section 67 of the Motor Vehicles Act, 1988 from time to time; and
- (f) all other words and expressions used, but not defined in this Scheme and defined in the Motor Vehicles Act, 1988** (59 of 1988) Central Motor Vehicles Rules, 1989 and Himachal Pradesh Motor Vehicles Taxation Act, 1972 (4 of 1973) shall have the meanings respectively assigned to them in the said Acts/ Rules.

3. *Obligation for operation as metered taxis.*—All owners of existing motor cabs/ maxi cabs who have been granted permits under relevant provisions of the Motor Vehicles Act, 1988 by the concerned Regional Transport Authority/State Transport Authority in the area as has been notified by the State Government under clause 1(ii) of the Scheme shall from the commencement of the date as notified for a period of 3 years install meters on their motor vehicles and operate them as metered taxi on the fare as may be notified by the State Government :

Provided that if the owner of the motor cab/maxi cab does not wish to operate his vehicle as a metered taxi he shall give an undertaking in writing to the Regional Transport Authority/ State Transport Authority to the effect that he shall not operate his vehicle in the area as notified under clause 1(ii) of this scheme :

Provided further that owner of existing Motor cabs/Maxi cabs who are operating their vehicles in the area as notified under clause 1(ii) of the Scheme as metered taxi shall have the

right to operate as contract carriage vehicles even outside the area for which the fare as meter taxi shall not be charged.

4. Metered Taxi Stand.—The Motor cabs/Maxi cabs under this scheme shall be parked at such parking places as notified by Deputy Commissioner concerned.

5. Colour Pattern.—Colour of the motor cabs/maxi cabs operating as metered taxi shall be as specified by the Government by notification.

6. Liability of the owner to install Meter.—The owner of the vehicle shall procure a digital electronic meter for installation on his vehicle from an agency or firm as authorized by the Commissioner in this behalf.

7. Calibration of Meter.—The owner of the vehicle after procurement of the meter from the agency/firm authorized by the Commissioner in this behalf before its installation on the vehicle shall get the same calibrated to the fare as notified by the State Government under this Scheme from an Officer authorized in this behalf by the Department of Weights and Measures, Himachal Pradesh who shall after charging the fee as may be prescribed by the said Department issue a certificate to this effect and affix a tamper proof seal on the meter at a specified place.

8. Power to stop/check.—(i) Any officer of the State Government authorized by general or special order, in this behalf, by the Commissioner, may require the driver of any motor fitted with meter to stop the motor vehicle and to cause it to remain stationary for so long as may be reasonably necessary for the purpose of satisfying himself that the meter affixed to the motor vehicle is in working condition and has not been tampered with or fare in accordance with the rates as prescribed are being charged.

(ii) Any officer of the State Government authorized by general or special order, in this behalf, by the Commissioner, may require the driver of any motor vehicle (other than motor vehicle fixed with taxi meter) at any place to stop the motor vehicle and to cause it to remain stationary for so long as may be reasonably necessary for the purpose of ascertaining the reasons from the driver as to why the vehicle is operating in an area notified for operation of metered motor cabs/maxi cabs only.

9. Offences and penalties.—Whosoever—

- (a) Plies a motor vehicle fitted with a taxi meter which is found to have been tampered with or not in working condition shall be liable to pay a fine of Rs. 500/- for the first offence and Rs. 1,000/- for the second and any subsequent offence.
- (b) Charges fare from passenger in excess of those prescribed shall be liable to pay a fine of Rs. 200/- for the first offence and Rs. 500/- for second and any subsequent offence.
- (c) Plies a motor cab/maxi cab not fitted with taxi meter in an area notified under clause 1(ii) shall after being given an opportunity of being heard, if so desired, be liable to pay a penalty of Rs. 500/- for the first offence and Rs. 1,000 for second and subsequent offence.

10. Appeal.—An appeal shall lie to the appellate authority appointed by the State Government in this behalf, against any original order passed under this Scheme, within thirty days of the passing of such order or within such further period as the appellate authority may, for sufficient cause allow :

Provided that no appeal shall be entertained by such authority unless he is satisfied that the amount of fine imposed has been paid.

11. Revision.—(i) The Commissioner may, of his own motion, call for the record of any proceedings which are pending before, or have been disposed off by, any authority subordinate to him for the purpose of satisfying himself as to the legality or propriety of such proceedings or order made therein and may pass such order in relation thereto as he may think fit.

(ii) No order shall be passed under sub-clause (i) of this Clause which adversely affects any person unless such person has been given a reasonable opportunity of being heard.

12. Liability of Owner in Relation to other Relevant Acts.—The owners of Motor Cabs/Maxi Cabs shall be liable and amenable to provisions of Motor Vehicles Act, 1988, Himachal Pradesh Motor Vehicles Taxation Act, 1972 and Himachal Pradesh Goods and Passenger Taxation Act, 1955.

By order,

Sd/-
Principal Secretary.